

**NOTICE OF APPEAL  
FROM THE EXAMINER TO THE BOARD OF PATENT  
APPEALS AND INTERFERENCES**

Docket Number (Optional)  
3086/1734 (AM1150)

Certificate of EFS Filing Under 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted via the EFS to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: February 19, 2010 Name: G. Peter Nichols

Signature /G. Peter Nichols/

In re Application of: Brovelli et al.

Application No.  
10/774,092

Filed  
February 6, 2004

For: Method of Augmenting The Immune-Modulatory Activity of Standardized Echinacea Preparations

Art Unit  
1655

Confirmation No.  
7125

Examiner  
Leith

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$540.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$         

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to Deposit Account 23-1925.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 23-1925.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the:

☐ Applicant/Inventor.

/G. Peter Nichols/

Signature

☐ Assignee of record of the entire interest. See 37 CFR 3.71. Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

G. Peter Nichols

Typed or Printed Name

☒ Attorney or agent of record. Registration No. 34,401.

☐ Attorney or agent acting under 37 CFR 1.34. Registration No. if acting under 37 CFR 1.34:         .

February 19, 2010

Date

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 form is submitted.